

REMARKS

In the final Office Action, the Examiner rejects:

- claims 1-11, 15-32, and 34-46 under 35 U.S.C. § 112, second paragraph as indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention;
- claims 1-3, 5-8, 11, 16-32, 34-46 under 35 U.S.C. § 103(a) as unpatentable over STUART et al. (U.S. Patent No. 6,661,431; *hereinafter* "STUART") in view of MASON et al. (U.S. Patent Application Publication No. 2002/0161648; *hereinafter* "MASON");
- claims 4, 9, and 10 under 35 U.S.C. § 103(a) as unpatentable over STUART in view of MASON and further in view of MESSER (U.S. Patent No. 7,020,622); and
- claim 15 under 35 U.S.C. § 103(a) as unpatentable over STUART in view of MASON, further in view of ISHIKAWA (U.S. Patent Application Publication No. 2001/0037314).

Applicants respectfully traverse these rejections.

By way of the present amendment, Applicants propose amending claims 1, 8, 11, 15, 19, 25-29, 31, 42, and 45 to improve form. Applicants propose canceling claims 2-7, 9, 10, 16-18, 20-24, 30, 32, 34-41, 43, 44, and 46 without prejudice or disclaimer of the subject matter thereof. Applicants further propose adding new claims 47-57. No new matter would be added by way of the present amendment. Claims 1, 8, 11, 15, 19, 25-29, 31, 42, 45, and 47-57 would be pending upon entry of the present amendment.

Rejection under 35 U.S.C. § 112, second paragraph

Pending claims 1, 8, 11, 15, 19, 25-29, 31, 42, and 45 stand rejected under 35 U.S.C. § 112,

second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Without acquiescing in the rejection, Applicants have amended independent claims 1, 19, 29, and 31 solely to expedite prosecution and to address the Examiner's concerns. Claims 8, 11, 15, and 45 depend from claim 1, claims 25-28 depend from claim 19, claim 42 depends from claim 31. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1, 8, 11, 15, 19, 25-29, 31, 42, and 45 under 35 U.S.C. § 112, second paragraph.

Rejection under 35 U.S.C. § 103(a) based on STUART and MASON

Pending claims 1, 8, 11, 19, 25-29, 31, 42, and 45 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over STUART in view of MASON. Applicants respectfully traverse this rejection.

Independent claim 1 is directed to a method. STUART and MASON, whether taken alone or in any reasonable combination, do not disclose or suggest one or more of the features recited in claim 1. For instance, STUART and MASON do not disclose or suggest **identifying, by one or more processors of the one or more server devices, the set of non-malicious users visiting the web site from the group of users visiting the web site based on the collected information; where the tracking activities includes at least one of: determining whether the users in the group of users load images, where identifying the set of non-malicious users includes identifying users, in the group of users, that are determined as loading images, where the set of non-malicious users includes the users that are determined as loading images, determining whether the users in the group of users have javascript turned on, where identifying the set of non-malicious users includes identifying users, in the group of users, that are determined as having javascript turned on, where the set of non-malicious users includes the users that are determined as**

having javascript turned on, determining a type of browser used by the users in the group of users, where identifying the set of non-malicious users includes identifying users, in the group of users, that are determined as using a browser, where the set of non-malicious users includes the users that are determined as using a browser, determining a number of times during an interval that users in the group of users visits the web site, where identifying the set of malicious users includes identifying a first set of users, in the group of users, that are determined to have visited the web site a number of times, during the interval, that exceeds a threshold number of times, where the set of non-malicious users includes a second set of users, in the group of users, that is different from the identified first set of users, determining, when the web site is associated with a search engine, a type of items for which searches are performed by the users in the group of users, where identifying the set of malicious users includes identifying a first set of users, in the group of users, that are determined to have performed searches in an ordered manner, where the set of non-malicious users includes a second set of users, in the group of users, that is different from the first set of users, or identifying non-malicious users based on an age of cookie identifiers associated with the users in the group of users, as recited in claim 1. There is no discussion in the cited references that discloses or suggests the above feature of claim 1, amended as proposed.

Furthermore, STUART and MASON do not disclose or suggest **determining that spamming has occurred when the identified first proportion is greater than the identified second proportion**, as recited in claim 1. There is no discussion in the cited references that discloses or suggests the above feature of claim 1, amended as proposed.

For at least the foregoing reasons, Applicants respectfully submit that claim 1 is patentable over STUART and MASON, whether taken alone or in any reasonable combination. Claims 8, 11,

and 45 depend from claim 1 and are, therefore, patentable over STUART and MASON, whether taken alone or in any reasonable combination, for at least the reasons provided above for claim 1. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1, 8, 11, and 45 under 35 U.S.C. § 103(a) based on STUART and MASON.

Independent claim 19 recites features similar to features discussed above with respect to claim 1, and is, therefore, patentable over STUART and MASON for at least reasons similar to those presented with respect to claim 1. Moreover, this claim recites additional features not disclosed or suggested by STUART and MASON. For instance, STUART and MASON do not disclose or suggest **comparing a determined estimated click rate of an advertisement to an actual overall click rate of the advertisement, and determining that the advertisement has been click spammed when the actual overall click rate exceeds the determined estimated click rate**, as recited in claim 19. There is no discussion in the cited references that discloses or suggests the above feature of claim 19, amended as proposed.

For at least the foregoing reasons, Applicants respectfully submit that claim 19 is patentable over STUART and MASON, whether taken alone or in any reasonable combination. Claims 25-28 depend from claim 19 and are, therefore, patentable over STUART and MASON for at least the reasons presented with respect to claim 19. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 19 and 25-28 under 35 U.S.C. § 103(a) based on STUART and MASON.

Independent claims 29 and 31 recite features similar to features discussed above with respect to claims 1 and 19, and are, therefore, patentable over STUART and MASON for at least reasons similar to those presented with respect to claims 1 and 19. Claim 42 depends from claim 31 and is, therefore, patentable over STUART and MASON for at least the reasons presented with respect to

claim 31. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 29, 31, and 42 under 35 U.S.C. § 103(a) based on STUART and MASON.

Rejection under 35 U.S.C. § 103(a) based on STUART, MASON, and MESSER

Claims 4, 9, and 10 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over STUART in view of MASON, further in view of MESSER. These claims are canceled herein without prejudice or disclaimer. Accordingly, Applicants submit that this rejection is moot.

Rejection under 35 U.S.C. § 103(a) based on STUART, MASON, and ISHIKAWA

Claim 15 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over STUART in view of MASON, further in view of ISHIKAWA. Applicants respectfully traverse this rejection.

Claim 15 depends from claim 1. While not acquiescing in the rejection of claim 15, Applicants submit that the disclosure of ISHIKAWA does not remedy the deficiencies in the disclosures of STUART and MASON set forth above with respect to claim 1. Therefore, this dependent claim is patentable over STUART, MASON, and ISHIKAWA, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 15 under 35 U.S.C. § 103(a) based on STUART, MASON, and ISHIKAWA.

New claims

New independent claims 47 and 55 recite features not disclosed or suggested by the applied references. Claims 48-50 depend from claim 47, claims 51-54 depend from claim 29, and claims 56 and 57 depend from claim 55. Therefore, claims 47-57 are patentable over the applied references.

Conclusion

In view of the foregoing proposed amendments and remarks, Applicants respectfully request the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

Applicants respectfully request entry of the present amendment, as the present amendment does not require any additional search, and place the claims in better condition for appeal, if necessary.

If the present application is not now believed to be in condition for immediate allowance, Applicants respectfully request that the Examiner contact Applicants' representative at the contact number provided below to resolve any outstanding issues.

As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such assertions (*e.g.*, whether a reference constitutes prior art, reasons to modify a reference and/or to combine references, assertions as to dependent claims, assertions of official notice, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such assertions/requirements in the future.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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